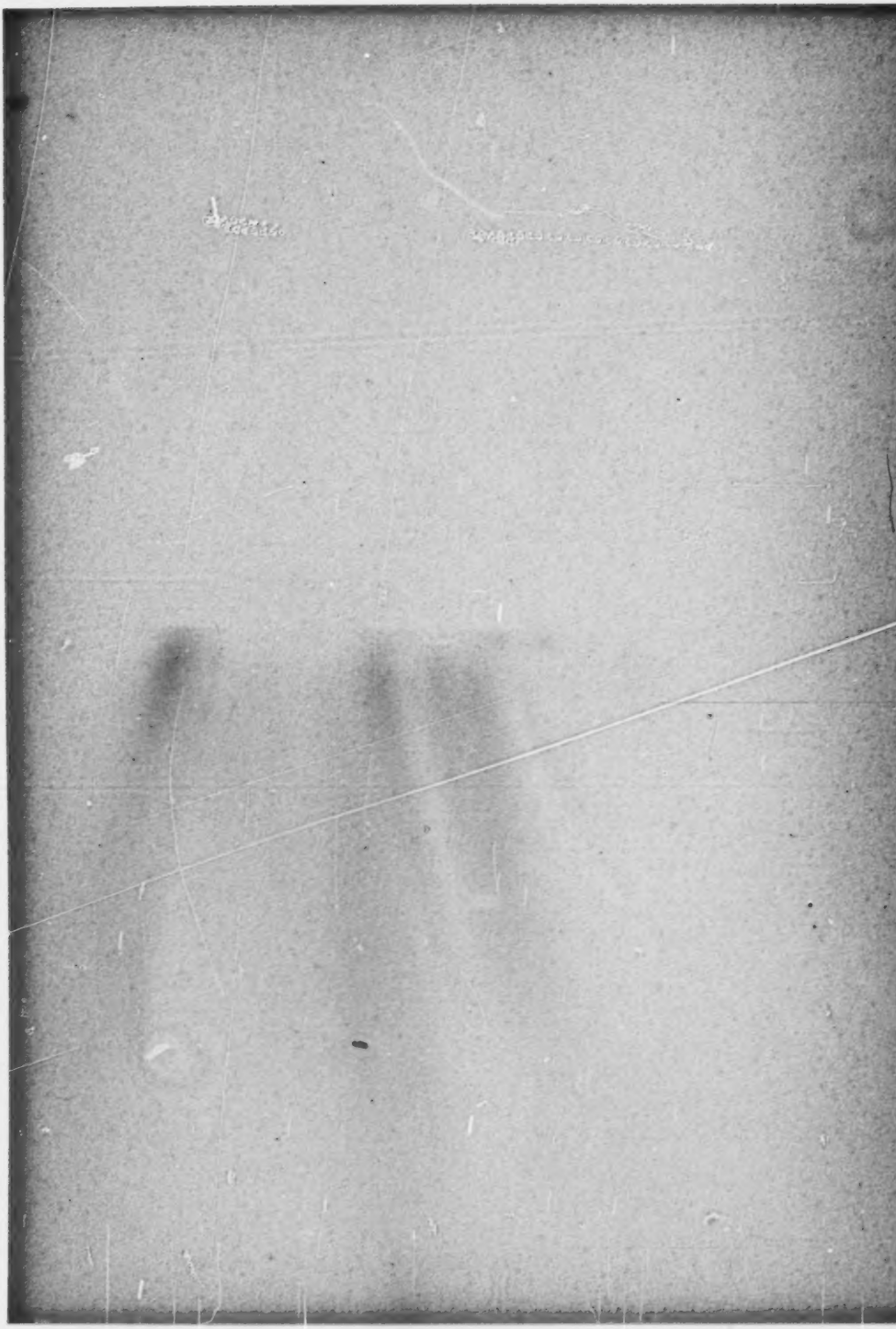

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-1276

RICHARD B. COTTEN

Petitioner,

v.

THE HONORABLE, JAMES R. SCHLESINGER

Respondent.

ON PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT

MOTION BY AMERICANS FOR MIDDLE EAST NEUTRALITY FOR LEAVE TO FILE BRIEF IN SUPPORT OF PETITIONER, RICHARD B. COTTEN, FOR WRIT OF *CERTIORARI.*

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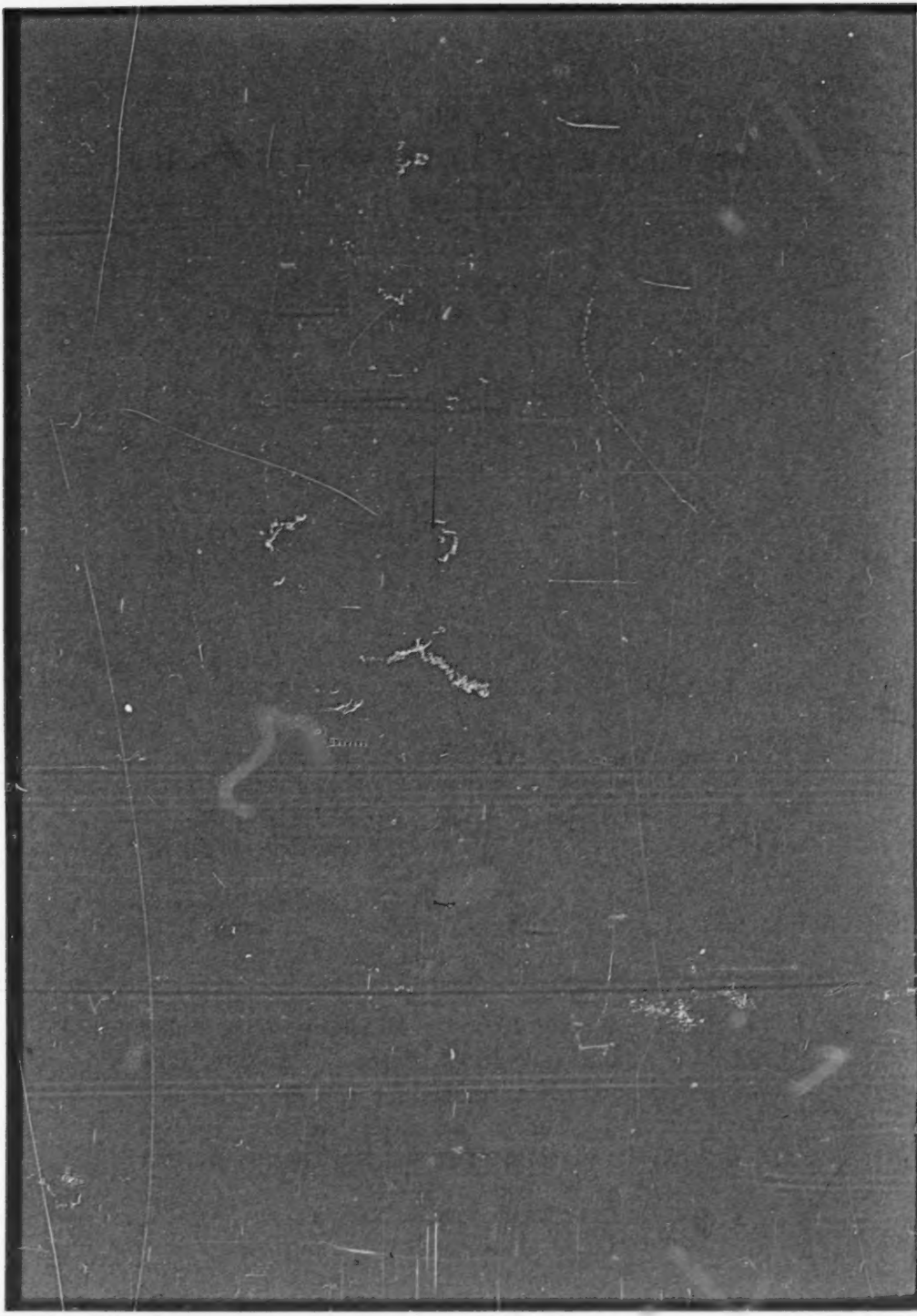

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Comes now, Americans for Middle East Neutrality (AMEN) © and respectfully moves for leave to file a brief as *amicus curiae* in support of the Petitioner. Consent to appear as *amicus curiae* has been obtained from Richard B. Cotten. The Solicitor General will not

consent to the filing of a brief in support of the Petition for a Writ of Certiorari because it is not timely made.[1]

INTEREST OF THE AMICUS CURIAE

Americans for Middle East Neutrality (AMEN)© is a newly organized, unincorporated citizens association located at 4607 Franklin Avenue, Wilmington, North Carolina 28401. It consists at the present time of 55 business and professional people, mostly resident in and near Wilmington, North Carolina. The group was formed to do what it could in a small way to sway public and Congressional opinion against the dangerous and unlawful course being pursued by the Administration in the Middle East. Wilmington citizens located near the Sunnypoint Military Ocean Terminal observe ships constantly being loaded with U.S. armed forces military material headed for the Middle East under a cover of secrecy and military security. Alarmed at the indifference of Congress to the unlawful transfers of military material, members of AMEN discussed the feasibility of bringing a law suit in the local courts, when they read of the action of Liberty Lobby as *amicus curiae* in the instant case. After making inquiries, it was decided that participation by the group in support of the Petitioner, Richard B. Cotten, by

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[1] The office of Solicitor General has verbally agreed to consent to the filing of a brief by Americans for Middle East Neutrality, on the merits, conditional upon the Petition for a Writ of Certiorari being granted.

means of a brief as *amicus curiae* would be an appropriate course of action.

Accordingly, as a group of citizens sorely aggrieved by unlawful and unconstitutional actions by federal officials acting under color of, but in defiance of statute, Americans for Middle East Neutrality submits that it has a proper interest in the resolution of the issues before the Court in this case.

IN THE ALTERNATIVE, THE PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED

The standing issue presented by this case has been ably argued by both Petitioner and Liberty Lobby as *amicus curiae*. It is submitted that the perfunctory Answer by the United States is an evasion of the issue. The three cases cited by the United States in its Answer are entirely inappropriate, misapplied and easily distinguishable.[2] The mootness question, again raised by the United States, was adequately disposed of in Petitioner's brief.[3]

Americans for Middle East Neutrality desire to offer argument relative to the legal and historic background of the Middle East situation, including detailed argument with respect to official United States actions and positions taken in law and before the United

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[2] *Flast v. Cohen*, 392 U.S. 83, 102-103, *United States v. Richardson*, 418 U.S. 166, 173 and *Schlesinger v. Reservists Committee to Stop the War*, 418 U.S. 208, 228.

[3] Petition for Writ of Certiorari, p. 8

Nations, which are effectively being sabotaged by a subtle and secret strategy ostensibly guided by highly placed officials.

Americans for Middle East Neutrality further submit that the Administration's continuing unlawful military intervention in the Middle East is unjustified in view of the official United States, United Nations, and Soviet positions, which, on their face, are identical.[4]

CONCLUSION

For the foregoing reasons, and in order to present additional argument on behalf of the Americans for Middle East Neutrality, the Court is urged to grant this motion. In the alternative, the Court is strongly urged to grant the Petition for a Writ of Certiorari.

Respectfully submitted,

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[4] "Last month, Gromyko spoke of 'strict guarantees' for Israeli security if it would adhere to the 'path of Peace'. Now the Soviet position is again that Israel must first recognize the right of Palestinians to a separate state if it wants sufficient assurances for its own security. "Soviet effort to Renew Mideast Talks at Impasse." *The Washington Post*, Sunday, May 18, 1975, Page A-18.